

**Implementation of the
Istanbul Convention
in Italy.**

**WRITTEN SUBMISSION TO GREVIO
Group of Experts on Action against Violence against Women
and Domestic Violence
IN RELATION TO THE REPORT SUBMITTED BY ITALY**

**BY the ITALIAN DISABILITY FORUM
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About the authors

The **Italian Disability Forum (Forum Italiano sulla Disabilità - FID)** is an Italian not-for-profit DPO, full member of the European Disability Forum (EDF), representing the interests of persons with disabilities in Italy. It is composed exclusively of national organizations of persons with disabilities and their families. Its aims are to fight for the recognition, promotion and protection of the human rights of persons with disabilities, as well as for non-discrimination and equal opportunities. Since its establishment, the Italian Disability Forum has participated in all initiatives and activities carried out by EDF.

The text was drafted by the CRPD Ad Hoc Working Group formed by Luisa Bosisio Fazzi, Patrizia Cegna, Giampiero Griffo and Donata Vivanti.

Contact details of the authors:

Forum Italiano sulla Disabilità (FID) - Italian Disability Forum

Via Borgognona 38 - 00187 ROMA

Italy

Secretariat - International Relations Office: Tel. (+39) 06/69988375-388

E-Mail: fid.presidenza@gmail.com

Facebook: <https://www.facebook.com/forumitalianodisabilita>

Web: <https://www.uiciechi.it/AttivitaInternazionali/fid.asp>

Introduction

The Monitoring Working group of the Italian Disability Forum – FID has participated in the drafting of the report of women's associations on the implementation of the Istanbul Convention in Italy. A very desired participation and carried out in the sign of the mainstreaming of disability within any political, civil and social actions.

Our reflections, included in the report commonly called the “Shadow Report”,¹ stressed the invisibility of girls and women with disabilities in government actions. We allow ourselves to report again the specific chapter included in the introduction of the Shadow report.

Unfortunately, there is a policy and service vacuum concerning the condition of teenage girls and women with disabilities. Generally speaking, gender is not taken into account in analyses concerning disabilities. This gender irrelevance is the cause and also the effect of an absence of information to help explore and analyse the influence that gender has on women with disabilities. These factors have contributed to a lack of interest by governments concerning the specific needs of girls and women with disabilities. It has also led to a shortfall in analyses and observations, in planning measures and practices to be adopted, and in drafting policy guidelines and specific measures concerning every area of their lives. Shadow Report, page 5

A repetition of a condition of invisibility that is confirmed in the text of the State Report² published on the GREVIO Country monitoring website of the Council of Europe dedicated to monitoring the Istanbul convention.

Italians girls and women with disabilities, together with their representative associations, waiting to read this report hoped to find some attention to their plight of women victims of violence. Unfortunately in the State Report **the Italian girls and women with disabilities have found a total disinterest** on their condition that is as serious as a violence, or even more serious, as this inattention is being perpetrated by the State body that is responsible for implementing the Convention. An absent State connives with the violence suffered by girls and women with disabilities.

In addition to the references included in the aforementioned Shadow Report, other elements confirm the lack of actions of the Italian government. They are listed in the next sections, following the format of the Government Report.

¹ Contributo delle Associazioni di Donne: <https://rm.coe.int/grevio-report-women-s-ngo/16808eaaa5>

² Report inviato dall'Italia: <https://rm.coe.int/grevio-state-report-italy/16808e8133>

Part I: Administration coordinating the collection of information about relevant actions implemented by central, regional and local authorities, as well as by third sector's associations

The description of the Department of Equal Opportunity (DEO) activities on the matter of this document gives us the chance to enlarge the reflection on the Italian authorities in charge of promoting and protecting the human rights of girls and women with disabilities.

It is noted that the State Report is not available on the web site of the Department, not in the English version, sent to the Group Grevio, nor in the Italian version thus preventing the general public to evaluate the Government actions on the issue.

First of all, we reiterate **the lack of an independent National Human Rights Institute, in line with the Paris principles**. Several recommendations have been addressed to Italy by the UN Human Rights Committees (UPR, ICESCR, CRPD, ICCPR) and ignored. This gap challenges the promotion and the protection of human rights and the enjoyment of equal opportunities by women and girls with disabilities.

The existing bodies for detecting and combating discrimination, the National Office against Racial Discrimination (UNAR)³, the Observatory for protection from discriminatory actions (OSCAD)⁴, the Inter-Ministerial Committee for Human Rights (CIDU), as well as **the Department for Equal Opportunities at the presidency of the Council of Ministers**⁵ are not fully effective. They are non-independent Government's bodies. They **do not tackle inter-sectorial discrimination of women with disabilities** as they do not have any specific mandate nor sanctioning power to combat this form of discrimination.

The **National Observatory on the Condition of Persons with Disabilities**, whilst mentioning multiple discrimination of women and girls with disabilities, **is not entitled to receive individual or collective complaints**, to bring legal proceedings to protect the rights of women with disabilities or to sanction defaulting institutions or public administrations.

Moreover, there is a **lack of information on the effectiveness and efficiency of the anti-discrimination actions** run by the aforementioned bodies in improving the condition of women and girls with disabilities.

Remaining in the specific actions reported by Italy, we only underline the fact that in the Department of Equal Opportunities there is a list of the latest communication campaigns to raise awareness of the phenomenon of gender violence⁶ but it includes **no** reference to girls and women with disabilities

Recommendations

- To include specific reference to inter-sectorial discrimination of women and girls with disabilities, specific remedies and sanctions in anti-discrimination legislation.

³<http://www.unar.it/chi-siamo-2/>

⁴<http://www.interno.gov.it/it/ministero/osservatori/osservatorio-sicurezza-contro-atti-discriminatori-oscad>

⁵<http://www.pariopportunita.gov.it/>

⁶<http://www.pariopportunita.gov.it/materiale/archivio-campagne-di-comunicazione/>

Part II: Integrated policies and data collection (Article 7-11)

Political Strategy and Adopted Measures (Article 7)

As regards the “National Strategic Plan on male violence against women 2017-2020” it does **not** refer to women with disabilities in the parties referred to:

- **Data collection** in the last survey conducted by ISTAT, between May and December 2014 with the financing of the Department for Equal Opportunities. It is referred, commendably, to foreign, migrant and asylum-seeker women but forgets women with disabilities;
- It admits the need to reflect on young women and women with disabilities but **do not make commitments or give operational indications**
- No reference to girls and women with disabilities into intervention priorities in the **Prevention Axis**
- No reference to girls and women with disabilities into intervention priorities in the **Protection and Support Axis**
- No reference to girls and women with disabilities into priority of intervention in the **Prosecute and Punish Axis**
- No reference to girls and women with disabilities into intervention priorities in the **Assistance and Promotion Axis**

No reference to girls and women with disabilities in chapter **Plan Commitments** based on the guidelines of intervention and articulation for each axes and priorities mentioned above.

As reported in the Strategic Plan referring to the public utility number 1522, please refer to what we have included in the Shadow Report on page 7.

Whilst the activity Reports in issue 1522 provide figures regarding disabilities in victims of violence, they are cited as figures from *a phenomenon which is never sufficiently reported in analyses and monitoring. Yet the phenomenon is a widespread one which goes relatively unpunished, and only rarely receives the attention it should*⁷.

A.1. Focus on some relevant labour sector-related measures

Act n 183/2014 on the Job Reform named “JOBS ACT”

In this Legislation the condition of disability is related only to the family member with disability of the working woman to be taken care of.

There is no reference or positive action for **working women with disabilities**, such as a hypothesis of a revision of compulsory maternity leave (extension of the current three-month after childbirth)

⁷ <http://www.pariopportunita.gov.it/media/3287/relazione-secondo-semester-1522.pdf> pages 25 and 26

to enable working women with disabilities to get a good recovery and to prevent damage to their health.

Non-Governmental Organizations (NGOs) and Civil Society (Article 9)

In the State Report paragraph on the issue (pag 24) the renovation of the Control Room (Cabina di Regia), already called the Anti-Violence Observatory, is mentioned. The full involvement of the relevant Civil Society Organizations is declared by the Government.

In this regard, it should be stressed **that the National Networks of Organizations of Persons with Disabilities are not included among these Civil Society Organizations**: neither the FAND (Federation of National Association on Disability) nor the FISH (Italian Federation to Overcome Handicap), nor the FID (Italian Disability Forum) that brings together the two previous networks for international issues.

The UN committee on CRPD rights has recently published its **General Comment No. 7 on the article of CRPD 4.3 and 33.3 on the priority participation of persons with disabilities in the implementation and monitoring of the Convention**,⁸ as well as in any decision-making processes on issues that affect them. This General Comment underlines the need to differentiate the organizations of persons with disabilities from Civil Society Organizations.

CRPD General Comment No. 7 on Article 4.3 and 33.3

14. A distinction should also be made between organizations of persons with disabilities and civil society organizations. The term “civil society organization” comprises different kinds of organizations, including research organizations/institutes, organizations of service providers and other private stakeholders. Organizations of persons with disabilities are a specific type of civil society organization. They may be part of a mainstream umbrella civil society organization and/or coalitions that do not necessarily advocate specifically for the rights of persons with disabilities, but can support in mainstreaming their rights in the human rights agenda. In accordance with article 33 (3), all civil society organizations, including organizations of persons with disabilities, have a role to play in monitoring the Convention. States parties should give priority to the views of organizations of persons with disabilities when addressing issues related to persons with disabilities, and develop frameworks to request civil society organizations and other stakeholders to consult and involve organizations of persons with disabilities in their work related to the rights enshrined in the Convention and other topics, such as non-discrimination, peace and environmental rights.

In this regard, **women with disabilities claim for the recognition of their representative organizations as a qualified presence and for an active role in public bodies** making policy

⁸ UN Committee on the Convention on Rights of Persons with Disabilities:
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/7&Lang=en

decisions and taking actions aimed at protecting women from gender-based violence and abuse according to the obligation to ensure their participation.

Data-Collection and Research (Article 11)

Regarding data collection we refer to what we included in the Shadow Report on page 11.

It is underlined again that absence of data, statistics and research on women with disabilities does not highlight the **inter-sectorial discrimination** that girls and women with disabilities undergo in all areas of their lives and the consequent lack of adoption of effective policies, adequate legislative measures of protection against violence and abuse. In the field of violence and abuse, the available statistics do not report any data on girl and women with disabilities.

[..] The disability of the violence victim, and her relation with the perpetrator or perpetrators of the violence, and the specific forms of violence against women with disabilities, such as forced sterilization, which still appears to be practiced in Italy as a form of “Protection”, should also be collected. Forced sterilization is often requested by family members, but no figures are available, not least owing to the reticence of those practicing it and the fact that surgery is camouflaged with other medical justifications (endoscopies, biopsies, etc.). Shadow Report pag. 11

Recommendations

- To implement data collection and provide statistics on gender-based violence on women and girls with disabilities, including women and girls with intellectual or psychosocial disabilities, those living in institutions, and on the occurrence of forced sterilization
- To develop systematic investigations and research studies on inter-sectorial discriminations affecting women and girls with disabilities, on their participation in social life and their access to equal opportunity in all areas of life
- To mainstream gender perspective in the development and the implementation of laws, actions and programs concerning disability, as well as disability perspective in the development and the implementation of laws, actions and programs concerning gender equality

Part III: Prevention (Articles 12-17)

A. Campaigns and Programmes (Article 12)

In addition to what is included in the specific chapter of the aforementioned Shadow Report, we stress some issues preventing girls and women with disabilities to benefit from preventative actions against violence covered by the Istanbul Convention.

Sexism does not spare women with disabilities and in fact renders them victims twice over. Disabled women are not only viewed as “objects”, but being disabled renders them defective objects of no value⁹ Shadow Report, page 15

None of the national campaigns for raising awareness about gender discrimination and violence against women include women and girls with disabilities. Not even the National Action Plan on disability sets out measures to raise awareness geared towards recognizing their human value and dignity. Shadow Report, page 17

Awareness-raising and prevention campaigns do not target girls and women with disabilities, especially those with intellectual and/or psychosocial disabilities. There is **no** information provided in "easy-to-read" or “easy-to-understand” format and **no** reference in videos, spots and/or written communication regarding situations that can involve girls or women with sensorial disabilities, physical disabilities, intellectual and/or psychosocial disabilities. Girls and women with sensorial disabilities are also not benefiting from these campaigns because their disabilities are not supported with appropriate languages and tools (sign language, subtitles, audio descriptions, braille format, etc.).

Above all, **no** information or education campaign on the phenomenon of violence, as if women and girls with disabilities would be immune to this phenomenon. On the contrary, the evidence displays that they are an "easy-target" and therefore at higher risk of violence. Moreover, their difficulty in reporting violence and abuse puts the perpetrator thus increasing the risk. This difficulty to denounce comes from different points:

- difficulty of the woman to emancipate herself from a dependent position with the rapist or other perpetrators of violence; many acts of violence are perpetrated in the silence of the families;
- the lack of awareness of the woman of understanding that she is suffering violence;
- inexperience of public and private operators who collect and follow the process of the complaint.

F. Private Sector and the Media (Article 17)

No attention to the phenomenon of violence on girls and women with disabilities is given by media whether private or public. The National Communication Authority (AGCOM) does not foresee in its regulation, analysis and monitoring action any specific reference to girls and women with disabilities.

G. Measures Adopted to Fight Violence (including Sexual Harassment) at Work-Place

No specific measures in favor of women with disabilities are taken to combat gender-based violence in the workplace.

Recommendations

⁹"We disabled women, invisible twice over: we are viewed as objects, and defective ones at that ", by Massimiliano Salvo, L'Espresso, 13 October 2017.

- To organize awareness raising actions and campaigns to foster overcoming prejudice and stereotypes on women with disabilities
- To mainstream the inter-sectorial dimension of discrimination of women and girls with disabilities in gender and disability action plans
- To adopt and implement specific measures to address violence against women with disabilities in the labour market, including harassment as a form of violence; to strengthen the surveillance and increase sanctions in case of intersectional discrimination of women with disabilities in the labour market;

Part IV: Protection and Support (Articles 18-28)

Information about General and Specialized Support Service (article 18)

Domestic violence against women and girls with disabilities, the violence in institutions and social and health-care centers remain hidden and they are never detected either by the information gathered by the relevant public bodies, or by the women's organizations and centers that collect complaints of violence, even by the organizations themselves of persons with disabilities and their family members.

The few laws that have regulated the protection of this group of citizens have aggravated the penalties for crimes against them ¹⁰, but **no practical action has been put in place to raise awareness across the country, to train the involved stakeholders**, such as anti-violence centers, public security and police staff, magistrates, lawyers, Social and health-care services;

It is important to underline the Article 14 of Law n. 3 – 11.01.2018 because it has introduced an aggravating circumstance for crimes against persons admitted to medical facilities or to residential or semi-residential socio-sanitary structures. This importance must be considered after the 2018 Report to the Italian Parliament of the National Preventive Mechanism NPM (under the UN CAT ratification by Italy)¹¹. After the UN CRPD Recommendations were adopted,¹² the NPM inserted in its activities the control of the condition of persons with disabilities in such facilities. This Report showed that in 2014, 273.316 persons with disabilities and not self-sufficiency were accommodated in public and private residential services representing 70.8% of the total number of guests¹³.

Furthermore, the gender approach and the perspective of the protection of human rights towards women and girls with disabilities is still far from being perceived as the proper form of conduct. **The**

¹⁰ art. 36 of the Framework Act on the Handicap of February 1992 N. 104 increased by half the penalties in case of violence towards a person with Disability as well as the association bringing civil action with or on behalf the victim)

¹¹ Garante Nazionale dei Diritti delle Persone Detenute o Private della Libertà Personale http://www.garantenazionaleprivatiliberta.it/gnpl/it/pub_rel_par.page pages 162-163. Data are not disaggregated by gender.

¹² CRPD/C/ITA/CO/1

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fITA%2fCO%2f1&Lang=en

¹³ Of these: 3,147 minors (0-17y) with disabilities and/or with mental disorders; 51,593 adults with disabilities and psychiatric pathologies; 218,576 elderly people not self-sufficient. And again, as regard the “*compulsory health treatments*” and “*mental health*”, the NPM stressed that “*the lack of reliable data makes the monitoring activity much more difficult and therefore the possibility of preventing situations that could harm of persons’ rights*”.

cultural attitude of professional in the fields of justice, social services, health-care and public security, **that constantly question the credibility of victims of gender-based violence, is even more biased towards complaints submitted by women with disabilities**, thus exposing them to double discrimination. There is no legislative provisions in such field. This highly impact their rights to seek justice.

As far as **regional competences** are concerned, it is not possible to detect or compare the actions of prevention, contrast and monitoring of the phenomenon of violence against women with disabilities. Firstly, because the group of women with disabilities is once again invisible in these actions and secondly because the challenges previously reported at national level recur similarly at regional level. In particular, as regards the support and assistance facilities, we underline their physical and cultural inaccessibility to woman and girls with disabilities.

Some information on the challenges encountered by women and girls with disabilities can be obtained from associations of women who manage anti-violence centers,¹⁴ accepting women with disabilities. The existing gaps can be summarized as follows:

- Misperception and lack of awareness of services from which emerges the failure to manage the phenomena of violence suffered by women and girls with disabilities;
- Lack of awareness raising among women and girls with disabilities in relation to gender violence;
- Insufficient competence on direct intervention with the woman with disabilities when they are victims of violence;
- Ineffective services and supports dedicated to the fight against gender-based violence on women with disabilities. Services and supports that do not take into account the personal, family and social contexts of women with disabilities

The situation of women and girls with intellectual and/or psychosocial disabilities is particularly critical.

The aforementioned research¹⁵ also reveals that some women and girls have become disabled because of violence (deafness, depression, FMG, etc.);

It also happens that many women and girls with disabilities who are victims of violence arrive at the Centers without ever being taken in charge by the public social services¹⁶, completely abandoned by them, by the education system and by their family, and therefore without having followed an “ad hoc” school or rehabilitation programs and services to allow them to recover or acquire functions or tools to defend themselves or to ask for help.

Currently, **only the two national networks of associations of persons with disabilities have started actions to bring out the phenomenon through associative and public events, as well as specific investigations.**

¹⁴ Differenza Donna: ricerca “Ferite Dimenticate 2016” in collaborazione con Università di Kent -GB

¹⁵ Ibidem

¹⁶ Di competenza locale (Comune ed indirettamente Regione)

In these days, at the occasion of the International Day for the Elimination of Violence against women, instituted by the General Assembly of the United Nations, the FISH Network began a survey on the phenomenon by preparing a questionnaire intended for women with disabilities.

VERA (Violence Emergence, Recognition and Awareness)¹⁷ is the name of the survey just to gather information today ignored by the public and private services. A first outcome is a video that raises the problem through the testimony of the same women subjected to violence¹⁸. Moreover, the association “Difference Woman” (Differenza Donna) recently established a National Observatory on Violence against Women with disabilities (the first in Italy)¹⁹.

The VERA survey final objective is to submit at least 1000 questionnaires to women with disabilities. After a month, 450 women and girls with different disabilities have responded so far to the questionnaire, of which more than 60% with physical disabilities, 17.4% with multiple disabilities, 12.3% with sensory disabilities and 8.7% with intellectual and /or psychosocial disabilities. The 31% of women with disabilities who filled out the questionnaire said they suffered some form of violence. In particular, about 10% of women with disabilities questioned said they had been raped in their lives.

Information about specialized services of legal counselling (article 19)

There is no integrated system of information available to women and girls with disabilities on different types of support services and the legal measures they may require, nor on the subject of violence towards girls and women with disabilities.

Those few girls and women with disabilities who denounce to be subject to violence often contact at the beginning persons in which they trust, often adhering to associations of persons with disabilities and their parents. Seldom, they turn to general services, including health-care services and the local social services, and only rarely have adequate information on specialized services, whereas those are being provided by law (L. 119/2013). There are **no** information leaflets or competent services.

The funds available to combat violence against women are scarce, with a very strong decrease the Social Policy fund in recent years, hardly ever used towards girls and women with disabilities.

The cultural, training and logistical shortcomings of the competent structures to intervene in cases of gender-based violence are automatically reflected on girls and women with disabilities, with the aggravating circumstance that double discrimination is never taken into charge. For instance, there were a case of a blind woman in Roma who could not enter for a complaint in the police station with his own guide dog.²⁰ It is only one example among others, of issues that prevent women and girls with disabilities from denouncing acts of violence.

Final and Summary Recommendations – List of Priorities

¹⁷ <http://www.fishonlus.it/vera/>

¹⁸ <https://www.youtube.com/watch?v=MOmsWk8E5VY&feature=youtu.be>

¹⁹ <https://www.differenzadonna.org/differenza-donna-istitutisce-osservatorio-nazionale-sulla-violenza-contro-le-donne-con-disabilita-il-primo-in-italia/>

²⁰ <https://www.ilfattoquotidiano.it/2015/10/21/roma-va-col-cane-guida-a-fare-denuncia-alla-polizia-sara-cieca-ma-lui-non-puo-salire/2145803/>

FID urge the Group GREVIO to consider these priorities as Recommendations to Italy to apply within the next 12 months

- Take steps to address the heightened risk for women and girls with disabilities of becoming victims of violence, abuse, exploitation and harmful practices in the home, institutions and the community, including conducting a detailed survey on victims of violence and systematic data collection in this regard disaggregated by disability and gender amongst other indicators.
- Take immediate measures, in close cooperation with girls and women with disabilities and their representative organizations, to ensure that services (including shelters) and information for victims are made accessible taking into account age and disability appropriate accommodations.
- Implement a program on protecting girls and women with disabilities from exploitation, abuse and violence.
- To ensure access to complaint mechanisms, remedies and support to victims of all forms gender violence, in particular those living in institutions
- Provide training to persons with disabilities and their family members on right to be free of violence, reporting to police and complaints mechanisms and equally provide training to police, medical professionals and social workers on communicating and interacting with persons with disabilities and their rights in cooperation with organizations of persons with disabilities.